

U.S. ENVIRONMENTAL PROTECTION AGENCY  
POLLUTION/SITUATION REPORT  
Dudka's Auto Parts - Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region II

**Subject:** POLREP #8  
Progress  
Dudka's Auto Parts  
A-27A  
Perth (Amsterdam), NY  
Latitude: 43.0175740 Longitude: -74.1940203

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**From:** Paul L. Kahn, OSC

**Date:** 2/3/2017

**Reporting Period:**

1. Introduction

1.1 Background

|                            |              |                                |                |
|----------------------------|--------------|--------------------------------|----------------|
| <b>Site Number:</b>        | A-27A        | <b>Contract Number:</b>        | EP-S2-15-02    |
| <b>D.O. Number:</b>        | 053          | <b>Action Memo Date:</b>       |                |
| <b>Response Authority:</b> | CERCLA       | <b>Response Type:</b>          | Emergency      |
| <b>Response Lead:</b>      | EPA          | <b>Incident Category:</b>      | Removal Action |
| <b>NPL Status:</b>         | Non NPL      | <b>Operable Unit:</b>          | #1 and #2      |
| <b>Mobilization Date:</b>  | 1/16/2017    | <b>Start Date:</b>             | 1/17/2017      |
| <b>Demob Date:</b>         |              | <b>Completion Date:</b>        |                |
| <b>CERCLIS ID:</b>         | NYR000174755 | <b>RCRIS ID:</b>               |                |
| <b>ERNS No.:</b>           |              | <b>State Notification:</b>     |                |
| <b>FPN#:</b>               |              | <b>Reimbursable Account #:</b> |                |

1.1.1 Incident Category

Abandoned auto salvage junkyard.

1.1.2 Site Description

The Site is a former auto salvage business that became defunct in 2013. Thousands of junked vehicles were crushed and disposed of by an "unknown" party and more than 150+ drums of waste oil and paint wastes were left at the property, mostly in drums left in bunches or individual locations throughout the approximately 100 acres of vacant land comprising the Site. In addition, there are a number of out-buildings that most likely contain drums and tanks of waste oil and other automotive fluids and wastes. In addition to the Site proper, there are approximately 30 drums of waste oil and solvents behind the RPs house, which is contiguous to the junkyard site.

1.1.2.1 Location

The Site is located on approximately 100 acres of predominantly vacant (open) land in Perth, NY. The Site has an access road from State Road 30 that leads directly into the property. There is one residence on the property and a number of enclosed workshops. There are a number of stream running through the Site, and one stream running N-S along the eastern side of the property, almost parallel to Rt. 30 connects with the Mohawk River approximately 8 miles south in Amsterdam, NY. The Mohawk River is a navigable waterway of the US and is part of the Erie Barge Canal System.

#### 1.1.2.2 Description of Threat

All of the drums are deteriorated and rusted and placed either directly on the ground or are staged in the beds of pick up trucks that are lying on the ground. The immediate threat is from an unknown number of leaking and/or overturned drums of waste oil and paint wastes, including paint solvents, leaking directly onto the ground. The secondary threat is from other deteriorated drums that will begin to leak with the coming winter weather. The proximity of a small wetlands and stream running through the Site raises a possibility of a release not only to the ground but into the wetlands.

#### 1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

A walk through of the site by the OSC and a representative of the NYSDEC in September, 2016, revealed the presence of 100+ drums of automotive waste liquids as described above. The property is owned by the RP but is not being used for any productive purpose. The thousand of junked vehicles that were there as recently as 2013 have been crushed and hauled away, but thousands of gallons of fluids from those vehicles have been left at the Site.

## 2. Current Activities

### 2.1 Operations Section

#### 2.1.1 Narrative

##### **NEW INFORMATION IS IN BOLD FONT- SCROLL DOWN**

This Site was referred to EPA by the NYSDEC on October 4, 2016 for a removal action.

On 10/12 the OSC visited the Fulton County Clerk's office and obtained property deeds and current tax map of the property that makes up the Site. The OSC was informed that the property owner had submitted an application to subdivide 4 2-acre parcels from the largest parcel (75 acres). the Clerk's office was unsure of the status of the application and referred the OSC to the Perth Planning Board.

On 10/13 the OSC has met with the property owner and discussed access. The owner initially refused to sign an access agreement, but after further discussion agreed to reconsider. He promised a decision by next week.

On 10/13 the OSC met with the Perth Town Clerk and obtained copies of the Planning Board's 3-21-2016 meeting minutes. The Board approved the application for sub-division and the property is currently on the real estate market for sale.

On 10/18 the property owner (PRP) granted EPA written access to the Site. In addition he stated to the OSC that he had some drums stacked behind his house that he wanted removed. The OSC found 25 of these drums, some of which are actively leaking, stacked in truck beds and buried in heavy weeds. Inasmuch as these drums are on contiguous properties owned by the PRP, they will be included in the removal action.

On 10/24 -10/26, 2016, under the direction of the OSC, EPA's Removal Support Team (RST) Weston Solutions, conducted a sampling/haz-cating and GPS mapping of the drums and other containers at the Site. On 10/24 RST used a Trimble GPS device to map the location of containers and oil-stained soil locations. The GPS points and descriptive notations will be superimposed on a Google Earth image which will be available in paper and electronic form.

RST also updated the drum count to 180 drums on Operable Unit #1 (the junkyard) and 30 drums on Operable Unit #2 (the RP's residence). On 10/25 and 10/26 RST acquired 11 drum samples for TCLP laboratory analysis and 15 samples for field testing (haz-cating). The field tests revealed the presence of samples with very low flash points (waste gasoline) and chlorinated organic liquids (degreasing solvent); degreasing solvent typically contains trichloroethylene (TCE) or methylene chloride, both of which are CERCLA listed Hazardous Substances. TCE is also a RCRA D040 listed Toxic Waste and possibly a RCRA F001 waste. The presence of hazardous and toxic chlorinated waste is presumptive at this point pending receipt of the TCLP test results. Chemical odors were present at various down-wind locations at the Site, typical of paint thinner, lacquer thinner, or waste paint. Visual observations of some samples suggest the presence of ethylene glycol anti-freeze. Ethylene glycol is a CERCLA listed hazardous substance. Lab samples include what appears to be used/waste oil, possibly used brake fluid, and other automotive fluids.

On 11/14 the laboratory report of the analyses of the 11 samples acquired in October, 2016 was received and reviewed by the OSC. As suspected, all of the samples had high concentrations of volatile and semi-volatile compounds, as well as numerous CERCLA Listed Hazardous Substances. One sample had 500 PPB of methyl-tert-butyl ether (MTBE). Other samples had typical Gasoline Range Organic (GRO) compounds such as octane, nonane, ethyl benzene, naphthalene and mixed xylenes. The lab reports that PCBs or dioxins were not detected. The full analytical report has been added to the Documents section of this web site.

On 11/15 the draft Action Memo was updated to include the analytical results and was forwarded to RPB management for further processing.

On 1/9/17 Task Order #053 was issued to Environmental Restoration LLC for an initial \$100,000. The contractor was then directed by the OSC to be on Site on 1/17 to begin removal operations, consisting of plowing snow from internal roadways to gain access to the drums of automotive fluids at the Site and to begin preparing a drum staging area. The OSC will be on Site as of 1/18. Written notification of the start of removal activities was provided to the Town of Perth and the DEC Region 5 office by the OSC.

On 1/17 the ERRS contractor mobilized a crew to the Site, posted the Site sign, turned on the office trailers and began clearing ice and snow from the Command Post and drum staging areas.

On 1/18 ERRS crew was redirected temporarily to the Carville Leather Site in nearby Johnstown to respond to a release of red dye from the former leather processing building. During this time work proceeded at Dudka's Auto Parts Site, albeit at a reduced level of activity.

During this time ERRS plowed snow from in-Site roadways and CP/drum staging area. ERRS also spread approximately 25 tons of crushed stone in the CP area and built a raised area and berm of stone for a drum staging area. Also during this time supplies and equipment were mobilized to the Site. ERRS began assembling 4 tent enclosures that will be tied together to form a 20' X 60' drum staging area. In this area drums of waste fluids collected from around the Site will be processed for identification and eventual T & D.

On 1/20 the OSC went to the Perth Town Hall and informed the local authorities that the removal action has commenced.

On 1/26 the OSC located two additional drums of waste fluids inside a garage on the Site and three pails of roofing tar adjacent to a four-season creek. This raises the total drum count to 218.

Alternating cold and moderate weather resulted in frequent freezing and thawing of snow and ice on the Site. This adverse weather has hampered establishing a workable staging area, but nevertheless progress was made in this regard. The full ERRS crew is back on-Site as of 1/27, at which time further work on erecting the tent enclosures has resume.

**During the week of 1/30 ERRS attempted to erect tent enclosures at the drum staging area. These efforts were unsuccessful due to high winds; attempt to erect the enclosures will resume at a later time.**

**Despite very adverse weather conditions, including single digit air temperatures, ERRS was able to retrieve 130 drums from outlying areas of the Site and move them to the drum staging area. Thirteen of those drums required over-packing; all of the drums were placed under plastic sheeting. The OSC had recently discovered two full drums of waste fluids in a garage structure, and ERRS located 4 drums of waste fluids in the fields that had not been included in the original drum inventory. These 6 newly discovered full drums of waste fluids have been added to the drum inventory in the past two weeks, raising the total to 192.**

#### 2.1.2 Response Actions to Date

See above.

#### 2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)

According to the deeds on file with the County it appears that the property was originally jointly owned by Gary R. Dudka (the father) and Frances Dudka (the mother). Upon her death in 2004 France's share of the property went into a revocable trust, with Paul Dudka (the son) as trustee. In 2014 (a year after all the junked cars were removed) Paul Dudka sold his mother's share of the property to the father, Gary, for \$1 and "other considerations". At this point there are two possible PRPs: Gary R. Dudka, and Paul Dudka, who is believed to have operated the auto parts business.

#### 2.1.4 Progress Metrics

| <i><b>Waste Stream</b></i> | <i><b>Medium</b></i> | <i><b>Quantity</b></i> | <i><b>Manifest #</b></i> | <i><b>Treatment</b></i> | <i><b>Disposal</b></i> |
|----------------------------|----------------------|------------------------|--------------------------|-------------------------|------------------------|
| waste oil                  | drums                |                        |                          |                         |                        |
| waste oil                  | tanks                |                        |                          |                         |                        |
| paint solvent              | drums                |                        |                          |                         |                        |
| anti-freeze                | drums                |                        |                          |                         |                        |
| aged gasoline              | drums                |                        |                          |                         |                        |
| misc. fluids               | drums                |                        |                          |                         |                        |
| lead/acid battery          | solid/liq            | 1                      |                          |                         |                        |

## 2.2 Planning Section

### 2.2.1 Anticipated Response Activities

Mobe portable heater to Site to create/maintain working environment inside tent enclosures.

Mobe chemist to Site to sample and segregate drums into compatible waste streams.

#### 2.2.1.1 Planned Response Activities

Continue retrieving drums of waste fluids from around the Site.

Continue clearing snow from internal roadways to maintain access to drums of automotive fluids.

Continue erecting temporary tent structures to form a 40' X 60' enclosed drum storage area.

#### 2.3 Logistics Section

No information available at this time.

#### 2.4 Finance Section

##### Estimated Costs \*

|                           | Budgeted            | Total To Date | Remaining           | % Remaining    |
|---------------------------|---------------------|---------------|---------------------|----------------|
| <b>Extramural Costs</b>   |                     |               |                     |                |
| ERRS - Cleanup Contractor | \$100,000.00        | \$0.00        | \$100,000.00        | 100.00%        |
| <b>Intramural Costs</b>   |                     |               |                     |                |
| USEPA - Direct            | \$10,000.00         | \$0.00        | \$10,000.00         | 100.00%        |
|                           |                     |               |                     |                |
| <b>Total Site Costs</b>   | <b>\$110,000.00</b> | <b>\$0.00</b> | <b>\$110,000.00</b> | <b>100.00%</b> |

\* The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s). Other financial data which the OSC must rely upon may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

#### 2.5 Other Command Staff

No information available at this time.

#### 3. Participating Entities

##### 3.1 Unified Command

N/A

##### 3.2 Cooperating Agencies

Town of Perth, NY  
NYSDEC

#### 4. Personnel On Site

EPA: 1 OSC

ERRS:: 1 RM, 1 Field Accountant, 2 techs, 1 Equipment Operator

#### 5. Definition of Terms

No information available at this time.

#### 6. Additional sources of information

No information available at this time.

#### 7. Situational Reference Materials

No information available at this time.